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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,706	01/21/2004	Scott Papineau	1832A	3684

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EXAMINER

DAGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/761,706	Applicant(s) PAPINEAU, SCOTT	
	Examiner Stephen M. D'Agosta	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: ____ |
|--|--|

DETAILED ACTION

Drawings

Figures 1-23 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. The examiner is unable to determine which figures are prior art and which are put forth as the applicant's invention. It would be helpful if, in the "Brief Description of Drawings" section, each figure description had a sentence stating "per an embodiment of the invention".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5, 7-10, 12-17 and 19-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Sears et al. US 2002/0069263 and further in view of Gibbons et al. US 2004/0034853.

As per **claims 1, 9 and 15**, Sears teaches a method for an application management system (figure 1) to allow an Java MIDlet executing on a mobile device to access a universal message handler (Para 30 teaches a mobile device running J2ME and Para 31 teaches downloading MIDlets to mobile devices), the method comprising:

receiving from the universal message handler a reference to the Java Midlet (Para 42 teaches a server automatically notifying the user of a new version of an application ready for download, which reads on the claim, eg. the server entity contains the universal message handler);

receiving from the universal message handler a key associated with the reference location (Sears teaches use of security/authentication/trust, Para #12 and also “providing a direct link to allow users to upgrade automatically” software they have stored on their device, para. #42 which reads on the claim);

launching the Java MIDlet on the mobile information device (Para 32 teaches the Java platform running applications such as “...e-commerce, stock trading and banking..” whereby the MIDlet is launched/run to support/view/use the downloaded data);

passing the location to the Java Midlet (Para 42 teaches using MIDlet-Info-URL information which reads on the claim while this same paragraph also discloses providing a link to allow users to automatically upgrade application software, which is interpreted as a location being sent for the user to access); and

passing the key to the Java Midlet, wherein the Java Midlet gains access to the universal message handler by returning the key to the universal message handler (Sears teaches use of security/authentication/trust, Para #12 and also “providing a direct link to allow users to upgrade automatically” software they have stored on their device, para. #42 which reads on the claim).

But is silent on use of a URI.

Gibbons teaches (paragraph 46) use of URI's and the URI specifying information for the downloadable object (paragraph 59). Both Para. 64 and Para 69 teach needing a URI to identify where the network resource/application/data is located – hence the URI is passed to the Midlet for use by the mobile device. Para. 71 teaches a separate WAD for each download, hence the WAD is required in order for the Midlet to know where to access the data.

It would have been obvious to one skilled in the art at the time of the invention to modify Sears, such that URI's are used, to provide means for supporting any/all location indicators such as URL's, Windows Path statements, etc..

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As per **claims 2, 10 and 16**, Sears teaches claim 1/9/15 further comprising a computer readable medium having stored therein instructions for causing a processor to execute the steps of the method (see figure 1 which shows user device #140 and Repository Servers #101 each requiring computer software programs to execute the system's operation).

As per **claims 5, 12 and 17**, Sears teaches claim 1/9/15, **but is silent on** wherein the key is embedded in the URI passed to the Java Midlet.

Gibbons teaches (paragraph 71) a separate WAD for each Download (DO), hence the WAD would be either sent separately and/or embedded in the message passed to the Java Midlet).

It would have been obvious to one skilled in the art at the time of the invention to modify Sears, such that the key is embedded in the URI passed to the Java Midlet, to provide means for reducing network traffic by embedding the URI when a response is warranted.

As per **claims 7, 13 and 19**, Sears teaches claim 1/9/15 wherein the Java Midlet is a Java 2 Micro Edition (J2ME) MIDlet (see Para 30 -- "With the release of the Java 2 Micro Edition (J2ME) platform, and particularly the Connected Limited Device Configuration (CLDC) from Sun Microsystems.TM., a small-footprint Java runtime environment developed directly for the mobile device market is now available. CLDC specifies the features of the Java virtual machine (VM) and the core developer libraries to be used for small, low-power, memory-constrained devices.....Unlike WAP, J2ME does not create another Internet for devices, instead it provides a direct path for tying existing mobile devices into "the" Internet..")

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As per **claims 8, 14 and 20**, Sears teaches claim 1/9/15, wherein the mobile information device is a mobile phone, a personal digital assistant or a two-way pager (Para 34 teaches a PDA or other wired/wireless devices being supported).

Claims 3-4 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Sears/Gibbons and further in view of Hutsch et al. US 2001/0034771.

As per **claims 3-4 and 11**, Sears teaches claim 1/9 **but is silent on** wherein passing the URI to the Java Midlet includes passing the URI to the Java Mrlet via at least one of getMedia-rypet), getContentTypet), getMuglett), getR.eferringulklt) and gettMlt) object-oriented methods.

Hutsch teaches use of the GetContentType in a Java environment for data downloads to mobile devices:

"..Interface XContent specifies a content with a type and an identifier, which is able to manage listeners for special content events. Method getIdentifier returns an identifier for the content, while method getContentType returns a content type string, i.e., a MIME type. In addition, clients of the content may add themselves as listeners on the content using method addContentEventListener and can remove themselves as listeners by using method removeContentEventListener.." (para. 542).

It would have been obvious to one skilled in the art at the time of the invention to modify Sears, such that it passes the URI to the Java Midlet includes passing the URI to the Java Mrlet via at least one of getMedia-rypet), getContentTypet), getMuglett), getReferringulklt) and gettMlt) object-oriented methods, to provide means for supporting well known computer programming commands.

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Claims 6 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Sears/Gibbons and further in view of Wellner et al. US 6,628,767.

As per **claims 6 and 18**, Sears teaches claim 1/15 **but is silent on** wherein the Java Midlet is an instant messaging application.

Wellner teaches a JAVA program that is similar to instant messaging:

"..The active talker Java applet can also display text messages sent from any web-enabled participant to all other web-enabled participants, a subset of this group, or just to a single other participant. This capability is similar to well-known text chat applications such as IRC (Internet relay chat), MUD (multi-user dimension), Instant messages, and ICQ (I seek you).." (C9, L1-7).

It would have been obvious to one skilled in the art at the time of the invention to modify Sears, such that the Java Midlet is an instant messaging application, to provide support for well known user applications in use today.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Himmel et al. US 2004/123105
2. Kobayashi et al. US 2002/0116633
3. Goldstein et al. US 2004/0152457
4. Cunningham et al. US 6,754,621
5. Kotola US 2005/0009469
6. Nykanen et al. US 2004/0248561
7. Perttila et al. US 2004/0243519

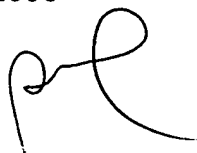
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
9-25-2005

A handwritten signature in black ink, appearing to be 'SD' or 'D'Agosta', written in a cursive style.